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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,626	01/13/2005	Timo Vitikainen	855.0012.U1(US)	2021
29683 7590 07/31/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER ABEBE, DANIEL DEMELASH	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 07/31/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,626	Applicant(s) VITIKAINEN ET AL.	
	Examiner Daniel D. Abebe	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

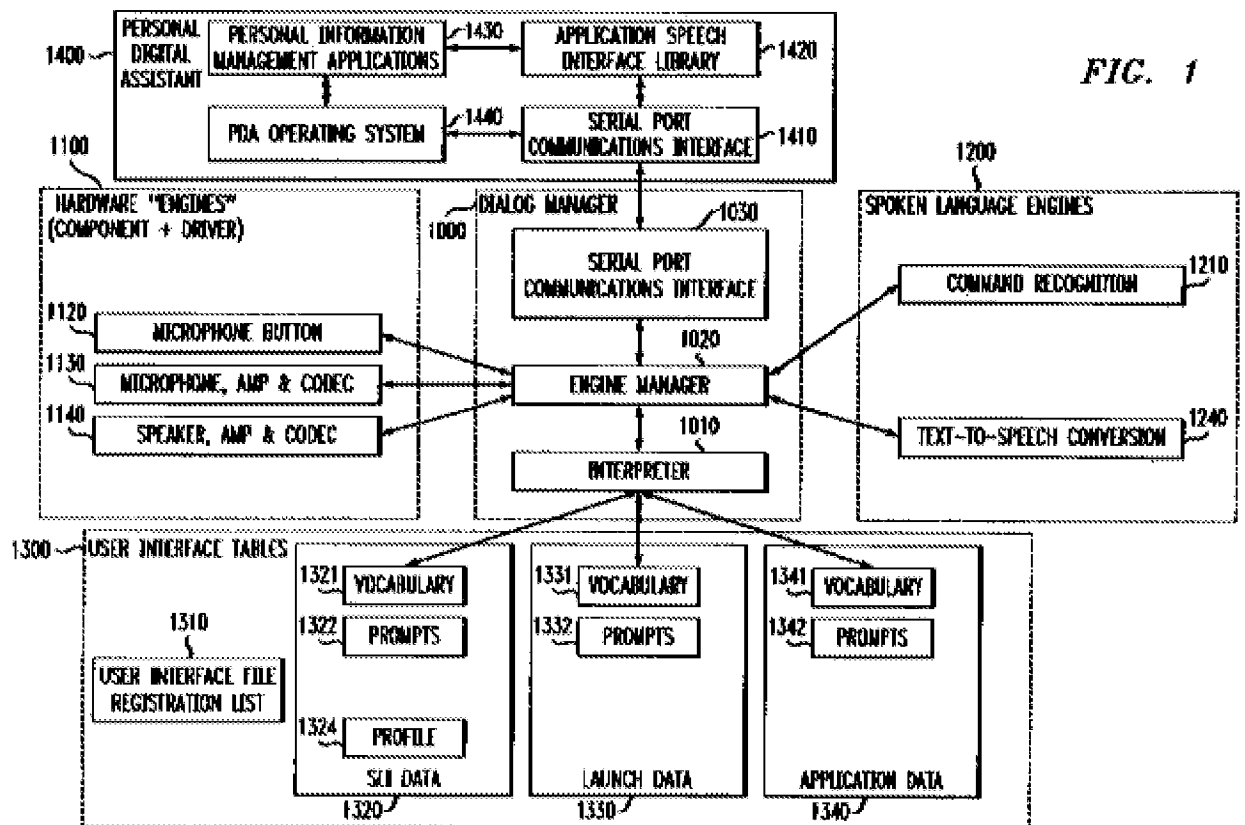
Claims 1-15 and 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Comerford et al. (7,024,363).

As to claim 1, Comerford teaches a method for use with computing apparatus which employs a spoken language interface where it is desirable to modify, update and add capabilities associated with the spoken language interface comprising the steps of:

maintaining a user interface table (1300), at a mobile device, indicative of available or existing voice user interface capabilities where the spoken language user interface tables 1300 comprise a user interface file registration list , spoken language interface data including vocabulary and prompt files,

speech application (PSA) having voice interface features where the speech application can be downloaded from a server; and

using voice user interface (by a dialog manager) according to the user interface data set and consequently not activating other application's user interface (Col.2, lines 20-33; Col.5, lines 1-20; Col.9, lines 46-68; Col.10, lines 50-68; Figs.1-3, 7-9, 14, 17, 18B).



as to claim 2, Comerford teaches where the profile in the user interface are used for running an application therefore the step of initializing this application will be an inherent step.

As to Claims 3-4, Comerford teaches where the profile includes information relating to any combination of vocabulary, dialogue, automatic speech recognition and text-to-speech synthesis as well as grammar capabilities (Figs.1-3)

As to Claim 5, Comerford teaches where the profile includes definitions of user interface functions (Fig.12).

With regard to claims 6-15, the corresponding system and apparatus for performing the steps claimed in the method claims 1-5 are analogous and therefore rejected by Comerford for the foregoing reasons.

As to claim 19, Comerford teaches a method comprising;
At a first apparatus (Fig.3, 3400) storing application to be used by another apparatus (PDA, 3000);
a dialog manager reading a user interface profile (3300);
detection execution is required (inherent step);
executing the application by consulting the user interface profile; and
using only appropriate parts of the user interface (Col.2, lines 20-33; Col.5, lines 1-20; Col.9, lines 46-68; Col.10, lines 50-68; Figs.1-3, 7-9, 14, 17, 18B).

As to claims 20, the application interface, 3400, could be a base station.

As to claim 21, fig.3 shows where the profile is stored at the mobile device.

As to claim 22, Comerford teaches where in the event the device doesn't support the application the profile is updated (Figs.17-18).

As to claim 23, Comerford teaches where the file includes voice verification setting (Fig.14).

As to claims 24-28, the corresponding apparatus for performing the steps claimed in the method claims 19-23 is analogous and therefore rejected by Comerford for the foregoing reasons.

Response to Arguments

Applicant's arguments filed on 4/12/2009 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2626

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626